

sealed tins labeled in part: "Extra Fancy Morning Glory Creamery Butter Texas Creamery Co., Houston, Tex. * * * One Pound Net."

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net," borne on the containers of the product, was false and misleading, in that the said statement represented that the said containers each contained 1 pound of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the containers each contained 1 pound of butter, whereas they did not but did contain, in each of a number of said containers, less than 1 pound of butter. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 7, 1926, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$200.

W. M. JARDINE, *Secretary of Agriculture.*

14413. Adulteration and misbranding of olive oil. U. S. v. Albert Pace (Pace and Sons). Plea of nolo contendere. Fine, \$660. (F. & D. No. 19689. I. S. Nos. 13944-v, 13945-v, 13947-v, 13948-v, 13949-v, 13950-v, 14154-v, 14249-v, 14250-v, 14251-v, 24504-v, 24505-v, 24506-v, 24507-v, 24508-v, 24509-v, 24512-v, 24513-v, 12414-v, 12415-v.)

On March 9, 1926, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Albert Pace, trading as Pace & Sons, Providence, R. I., alleging shipment by said defendant, in violation of the food and drugs act as amended, in various consignments between the dates of October 1, 1924, and March 26, 1925, from the State of Rhode Island into the States of Connecticut, Massachusetts, Maine and Pennsylvania, respectively, of quantities of olive oil which was adulterated and misbranded. The article was labeled in part: (Can) "Pure Italian Olive Oil Cav. Rocco Pace & Figli Ortona A Mare (Italy) Contents One Half Gallon" (or "Contents One Full Gallon" or "Contents One Quart") "Ortona Civitas Vetustissima * * * This Oil Is Our Own Production And Is Guaranteed To Be Pure Under Any Chemical Analysis." The said cans bore a cut of a castle and the statement "Packed In Italy," "Made In Italy" or "Products Of Italy," as the case might be.

Adulteration of the article was alleged in substance in the information for the reason that cottonseed oil, or sesame oil, or both cottonseed oil and sesame oil, as the case might be, had been mixed and packed with the said article so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in large part for pure olive oil which the article purported to be.

Adulteration of the article considered as a drug was alleged for the reason that it was sold under a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality and purity as determined by the test laid down in said pharmacopœia, official at the time of investigation, in that it was composed in large part of sesame oil, or cottonseed oil, or both sesame oil and cottonseed oil, whereas said pharmacopœia provided that olive oil should be obtained from the ripe fruit of olives.

Misbranding was alleged for the reason that the statements, to wit, "Pure Italian Olive Oil," "Ortona A Mare (Italy)," "This Oil Is Our Own Production And Is Guaranteed To Be Pure Under Any Chemical Analysis," borne on the labels of the cans containing the article, and the further statements "Packed In Italy," "Made In Italy," or "Products Of Italy," as the case might be, borne on the said labels, were false and misleading, in that they represented that the article was pure olive oil and that it was a foreign product, to wit, an olive oil produced in Italy, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil and that it was a foreign product, whereas it was not pure olive oil, and was not a foreign product but was a product composed in large part of oils other than olive oil produced in the United States. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale and sold under the distinctive name of another article, to wit, olive oil, for the further reason that it was falsely branded as to the country in which it was manufactured and produced, and for the further reason that it purported to be a foreign product when not so.

Misbranding was alleged with respect to a portion of the product for the further reason that the statements, to wit, "Contents One Half Gallon," "Contents One Full Gallon," or "Contents One Quart," borne on the labels of the cans containing the said portion, were false and misleading, in that the said statements represented that the cans contained the amount of oil declared on the label, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the cans contained the amount of oil declared on the label, whereas the cans in certain of the shipments of the product contained less than declared. Misbranding was alleged with respect to the said portion of the product for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 14, 1926, the defendant entered a plea of nolo contendere, and the court imposed a fine of \$660.

W. M. JARDINE, *Secretary of Agriculture.*

14414. Adulteration and misbranding of butter. U. S. v. 20 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21080. I. S. No. 10680-x. S. No. W-1967.)

On April 17, 1926, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and subsequently an amended libel praying seizure and condemnation of 20 cases of butter, remaining in the original unbroken packages at Seattle, Wash., delivered for shipment by the Consolidated Dairy Products Co., Seattle, Wash., April 16, 1926, alleging that the article had been prepared for shipment from the State of Washington into the Territory of Alaska, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Case) "Lynden And Darigold Butter Whatcom County Dairymen's Assn, Lynden-Bellingham," (package) "Darigold Pasteurized Creamery Butter One Pound."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat content had been mixed and packed therewith so as to reduce, lower, or injuriously affect its strength or quality, and had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent, butterfat, had been abstracted from the said article.

It was further alleged in substance in the libel that the article was short weight and was misbranded in violation of the general paragraph, and paragraphs 2 and 3 under food, of section 8 of said act, in that it was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. Misbranding was alleged for the further reason that the article was labeled "Butter," which label was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On April 30, 1926, the Consolidated Dairy Products Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be repacked under the supervision of this department so as to contain the amount declared on the label and the correct amount of butterfat.

W. M. JARDINE, *Secretary of Agriculture.*

14415. Adulteration of canned salmon. U. S. v. 548 Cases, et al., of Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 18196, 18197, 18240, 18254, 18255. I. S. Nos. 4908-v, 19339-v, 19340-v, 19342-v, 19344-v. S. Nos. C-4238, C-4239, C-4244, C-4245.)

On December 21, 27, and 31, 1923, respectively, the United States attorney for the Western District of Kentucky, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,435 cases of canned salmon, remaining unsold in the original packages, in various lots at Owensboro, Hopkinsville and Henderson, Ky., respectively, consigned by Jones & Williams, Seattle, Washington, in part from Seattle, Wash., and in part from New Orleans,